

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

AUDREY LATHAM and
GLENNIS LATHAM,
CO-ADMINISTRATORS OF THE ESTATE
OF DAVID LOUIS LATHAM, DECEASED,

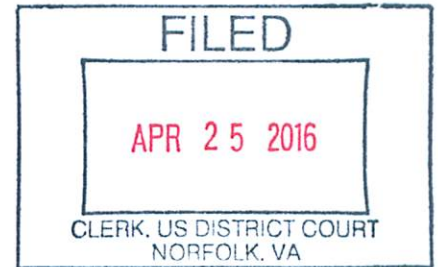
Plaintiff,

v.

CIVIL ACTION NO. 2:16cv203

MICHAEL EDINGTON.

Defendant.



NOTICE OF REMOVAL

PLEASE TAKE NOTICE that the defendant, Michael Edington, by counsel, hereby removes to this Court the state court action described herein.

1. On or about February 29, 2016, an action was commenced in the Circuit Court for the City of Norfolk entitled *Audrey Latham and Glennis Latham, Co-Administrators of the Estate of David Louis Latham, Deceased v. Michael Edington*, as Case No. CL16-2277.

2. The first date upon which defendant received a copy of the complaint was April 4, 2016 when defendant was served with copies of the summons and complaint. Copies of the summons and complaint served upon defendant are attached as Exhibit "A" and incorporated herein by reference. Also attached as Exhibit "B" are the affidavits regarding service filed in the Norfolk Circuit Court.

3. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §§1331 and 1343, and is one which may be removed to this Court by defendant pursuant to

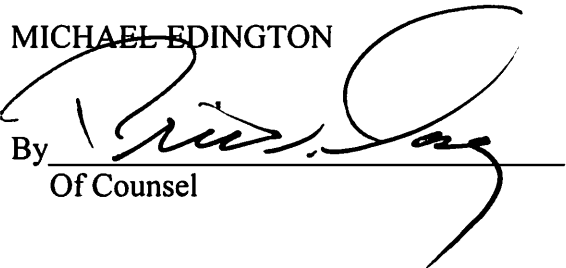
the provisions of 28 U.S.C. ¶1441(a) in that it includes claims arising under Title 42 U.S.C. §1983 and the Fourth Amendment to the Constitution of the United States of America. This Court has supplemental jurisdiction under 28 U.S.C. §1367 over the state law claims alleged in the complaint.

4. Venue is proper in this district under 28 U.S.C. §1391(b) because the defendant is a resident of Virginia and resides in the district and a substantial part of the events giving rise to the claim occurred in the district.

5. Removal of this action to this Court is timely under 28 U.S.C. §1446(b) because this notice of removal is filed within thirty (30) days after receipt by the defendant of a copy of the initial pleading setting forth the claim for relief.

6. Defendant is this day giving written notice of this removal to the plaintiff, through counsel, a copy of which is attached as Exhibit "C", and filing a copy of the notice with the Clerk of the Circuit Court for the City of Norfolk.

MICHAEL EDINGTON

By  _____
Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above and foregoing Notice of Removal was e-mailed and mailed first-class, postage prepaid to jcooper@cooperhurley.com, John M. Cooper and bomara@cooperhurley.com, William F. O'Mara, Jr., Cooper Hurley, 2014 Granby Street, Suite 200, Norfolk, Virginia 23517, this 25th day of April, 2016.



Brian N. Casey